

11/20/2008

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 6 LAN LEE

7  
 8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN JOSE DIVISION

11  
 12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 vs.

15 LAN LEE and YUEFEI GE,

16 Defendants.  
 17

) No. CR 06-00424 JW  
 )  
 )  
 )

) **STIPULATION AND [PROPOSED]**  
 ) **ORDER CONTINUING STATUS**  
 ) **CONFERENCE**

18 **STIPULATION**

19 Defendants Lan Lee and Yuefei Ge, by and through their attorneys Thomas J. Nolan and  
 20 Edward W. Swanson, and the United States, by and through Assistant United States Attorney  
 21 Matthew Parrella, hereby agree and stipulate to continue the status conference now scheduled for  
 22 November 24, 2008, at 1:30 p.m., to January 19, 2009, at 1:30 p.m.

23 The parties so stipulate because they agree that certain matters need to be resolved before  
 24 the parties will be able to set a trial date. First, the defense served two entities with third-party  
 25 subpoenas that ordered compliance prior to the November 24, 2008 status conference. In initial

1 meet and confer sessions following service of the subpoenas, the third parties raised concerns  
2 about the subpoenas and wanted to engage in further discussions with defense counsel before  
3 they respond. One of the third parties also indicated that it needed additional time to gather  
4 information concerning the request in order to engage in a meaningful meet and confer session.  
5 The defense intends to continue meeting with the third parties in the following weeks but  
6 believes that some issues concerning the subpoenas will likely have to be resolved by the  
7 magistrate. Second, the parties note that the defense has sought leave to file a motion for  
8 reconsideration of the Court's October 17, 2008, order granting in part and denying in part the  
9 defendants' motion to suppress. The defense request has been fully briefed and is pending  
10 before the Court.  
11  
12

13 IT IS SO STIPULATED  
14

15 Date: November 20, 2008

/S/

Thomas J. Nolan  
Attorney for Defendant LAN LEE

17 Date: November 20, 2008

/S/

Edward W. Swanson  
Attorney for Defendant YUEFEI GE

20 Date: November 20, 2008


/S/

Matthew A. Parrella  
Assistant United States Attorney

**ORDER AS MODIFIED:**

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that the status conference currently set for November 24, 2008, is continued to January **26**, 2009, at 1:30 p.m. Time is excluded until January 26, 2009, pursuant to 18 U.S.C. § 3161(h)(8). The Court finds that the ends of justice served by this continuance outweigh the interests of the public and the defendants in a speedy trial.

Date: November 20, 2008

  
Hon. James Ware  
United States District Judge